

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Lim Or Sim, et al. Examiner : To Be Assigned  
Serial No. : 09/763,338 Art Unit : To Be Assigned  
Filing Date : February 16, 2001  
Title : NETWORK RESOURCE MONITORING SYSTEM AND  
METHOD

Mail Stop PCT, Office of PCT Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Bryan Tung, PCT Legal Examiner

**RENEWED PETITION UNDER 37 CFR 1.47(a)**

Sir:

In this Renewed Petition under 37 CFR 1.47(a), the Commissioner is hereby petitioned to accept the accompanying Supplementary Declaration of David Moore dated January 30, 2004, in addition to all previous information, declarations and materials submitted with the original Petition dated September 2, 2003 on behalf of non-signing inventors Yee Han Cheong and Lim Or Sim, and reconsideration of the Decision dated October 21, 2003 is respectfully requested.

In the applicants' original Petition, signed declarations of four joint inventors were provided. With this Renewed Petition, and pursuant to M.P.E.P. § 409.03(A), the Commissioner is respectfully requested to treat the declaration signed by all available joint inventors as having been signed on behalf of the non-signing inventors.

As set out in the U.S. P.T.O. Decision (the "Decision") on Petition dated October 21, 2003, 37 CFR 1.47(a) sets forth the four required accompaniments for a petition under 37 CFR 1.47(a). The Decision acknowledges that items (1), (3), and (4) are satisfied with the original

Petition and accompanying papers, and specifies that the original Petition was dismissed because of failure to satisfy item (2). The Decision states, on page 3, “[a]lthough applicant has submitted evidence of Lim Or Sim and Yee Han Cheong’s purported refusal to sign the declaration, applicant has not sufficiently established that a bona fide attempt was made to present a complete copy of the application papers (including specification, claims, drawings, and oath/declaration) to the nonsigning inventors for signature. The affidavit of David Moore states that declarations were sent to the nonsigning inventors for signature (see Moore’s affidavit ¶ 2-3) but does not state that the specification, claims, and drawings were ever presented to the non-signing inventors.”

Submitted herewith is a Supplementary Declaration of David Moore dated January 30, 2004, that states explicitly that each nonsigning inventor was sent all of the aforementioned items, including the specification, claims, drawings, and declaration. As also stated in the Supplementary Declaration dated January 30, 2004, Exhibit 4 to the original Petition includes copies of the specification, claims, and drawings as sent to the nonsigning inventors, and copies of the courier receipts showing delivery of these materials to the nonsigning inventors can be found in Exhibit 1 to the original Petition.

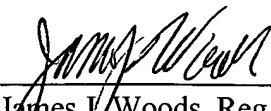
Without admission and without prejudice, the applicants submit that, with this Renewed Petition and the content of original Petition and accompanying papers, which is repeated herein, all requirements of 37 CFR 1.47(a) have been met, and therefore respectfully request reconsideration and reversal of the Decision dated October 21, 2003.

A check in the amount of \$420.00 is included herewith to cover the two month extension of time fee. As indicated in the Decision dated October 21, 2003, it is believed that no additional Petition fee is required. However, if any fee should be required, please charge any additional fees, or credit any overpayment, to Deposit Account 02/4270.

The Examiner is invited to contact the undersigned attorney at 212-895-2007 to discuss any issues pertaining to this application.

Respectfully submitted,

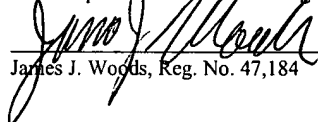
Dated: 2/23/04

  
James J. Woods, Reg. No. 47,184  
BROWN RAYSMAN MILLSTEIN FELDER  
& STEINER LLP  
900 Third Avenue  
New York, NY 10022  
Tel: (212) 895-2000, Fax: (212) 895-2900

I hereby certify that this paper is being deposited this date with the

U.S. Postal Service as First Class Mail addressed to:

Mail Stop PCT, Office of PCT Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
James J. Woods, Reg. No. 47,184

2/23/04  
Date